

Minutes of Special and Regular Meeting of December 11, 2012

**SPECIAL MEETING**

**CLOSED SESSION 7:00 P.M.**

- A. Conference regarding Public Employee Performance Evaluation Pursuant to Government Code Section 54957: City Manager
- B. Conference with Legal Counsel, Existing Litigation, Pursuant to Government Code Section 54956.9(a), Claim Against the County of San Mateo for Refund of special charges and statutory additions
- C. Conference with Legal Counsel: Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9 (c): Two Cases

Attended by: Councilmembers Wozniak, Braunstein, Feierbach (arr. 7:15), Lieberman, Warden (arr. 7:15), City Manager Scoles, City Attorney Rennie (Item B and C only), Thomas Fil (Item B and C only), Parks and Recreation Director Gervais (Item C only). City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time being 7:35 P.M.

**Terri Cook**  
**City Clerk**

This meeting was not tape recorded or videotaped

**REGULAR MEETING**

**CALL TO ORDER 7:45 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Wozniak, Feierbach, Lieberman, Braunstein, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Rennie, Police Chief DeSmidt, Fire Chief Fry, Community Development Director de Melo, Finance Director Fil, Public Works Director Oskoui, Parks and Recreation Director Gervais, Interim Information Services Manager Eggers, City Treasurer Violet, City Clerk Cook

**PLEDGE OF ALLEGIANCE**

Led by City Clerk Cook.

**REPORT FROM CLOSED SESSION**

City Attorney Rennie reported that the City Council approved the settlement of a code enforcement matter involving the pruning of 32 city trees without a permit. The responsible party, Kurt Sparks, agreed to pay the City tree removal and replanting fees in the amount of \$63,096 and civil penalties in the amount of \$15,236.

He also reported that the City Council authorized the filing of a claim against San Mateo County for refund of excess property tax administration fees, and that a copy of the claim would be available to the public the day after it is filed with the County.

## **SPECIAL PRESENTATIONS**

### **Beautiful Belmont Awards**

Finance Director Fil stated that this award is intended to acknowledge residential and commercial property owners who have made substantial improvements to their property. He presented the recipients with flowers and a certificate, and displayed before and after pictures of their projects.

### **Presentation by the Belmont Library -- Digital History Program**

Kathleen Beasley, Belmont Library Manager, described a digital history program that is under way at the Library. She presented a sample of one family's contribution to the project.

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Jeannette Sacco-Belli**, Belmont resident, expressed her desire for a solution regarding the City-owned properties in the San Juan Canyon. She recommended that the City discontinue its discussions with potential developers, focus solely on the City-owned properties and not include the horse ranch property.

**Perry Kennan**, Belmont resident, expressed concern regarding the San Juan Canyon issue. He commented that the City should not have borrowed money to purchase the property with no plan for repayment. He pointed out that the City Council gave direction to enter into discussions with the horse ranch owner. He recommended exploring options on how to repay the money.

**George Burgess**, Chamber of Commerce President, stated that the Chamber is working on a restaurant guide that would be made available in all local hotels. He stated that the Chamber is also working on a new City directory. He commented regarding the upcoming City Council reorganization.

## **AGENDA AMENDMENTS**

City Attorney Rennie stated that a matter was brought to staff's attention after the agenda for tonight's meeting was posted. He explained that immediate action is necessary to authorize a settlement agreement in the matter of the State of California ex rel. Westrick v. American Body Armor, et al. He clarified that this matter could be added to the consent agenda by a four-fifths vote of the City Council.

Mayor Warden noted that this issue involves defective bullet proof vests.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, and unanimously approved by a show of hands to add this matter to the consent agenda.

Councilmember Wozniak recommended postponing consideration of the City Council's Intergovernmental Assignments to the next meeting, with the exception of the appointment to the San Mateo County Mosquito and Vector Control District. Council concurred.

### **CONSENT CALENDAR**

**Approval of** Minutes of Special and Regular City Council Meeting of November 13, 2012

**Motion to** receive Monthly Financial Reports

**Approval of** Resolution 2012-136 Accepting Work and As-Built Drawings and Authorizing the Issuance of a Notice of Substantial Completion for the Ralston Avenue Culvert Repairs Project, City Contract Number 2012-517 for a Final Contract Cost of \$68,870

**Approval of** Resolution 2012-137 Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Valley Oil Company for an Amount not to Exceed \$25,000

**Approval of** Resolution 2012-138 Setting Base Administrative Fine Amounts for Violation of City Ordinances

**Motion to** Approve Settlement Agreement in the case of the State of California ex rel. Westrick v. American Body Armor, et al. (item added as urgency item)

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Lieberman, the Consent Agenda was unanimously approved, as amended, by a show of hands.

### **OTHER BUSINESS**

#### **City Council Reorganization**

##### **Remarks by Outgoing Mayor Warden**

Mayor Warden stated that the City accomplished a great deal in 2012. He noted the dissolution of the Redevelopment Agency, which affected the City's ability to complete the update of the General Plan. He pointed out that the City recently adopted an ordinance banning polystyrene, and would soon be completing the adoption of the plastic bag ordinance. He noted that the City's finances are stable, and that Belmont has always had a balanced budget. He pointed out that the fire department is fully staffed and is financially secure with the recent management agreement with the Cities of Foster City and San Mateo. He commented that the City has a competent staff. He noted that the City Council had a cooperative year even when all did not agree.

Mayor Warden thanked the citizens of Belmont, and thanked his wife.

Councilmember Wozniak presented Mayor Warden with a plaque and commented that he did a good job running the meetings.

##### **Nominations for Mayor for 2013**

Councilmember Feierbach nominated Councilmember Wozniak.

Councilmember Braunstein nominated Councilmember Lieberman.

City Clerk Cook explained that the Council's protocols provide that in the event of multiple nominations, they should be considered in the order received.

**ACTION:** Councilmembers Feierbach, Wozniak, and Mayor Warden voted for Councilmember Wozniak as Mayor for 2013.

**ACTION:** On a motion by Mayor Warden, seconded by Councilmember Feierbach, Resolution 2012-139 Appointing Christine Wozniak as Mayor for 2013 was unanimously approved by a show of hands.

### **Nominations for Vice Mayor for 2013**

Mayor Wozniak nominated Councilmember Lieberman.

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Warden, Resolution 2013-140 Appointing Warren Lieberman as Vice Mayor for 2013 was unanimously approved by a show of hands.

### **Oath of Office for Incoming Mayor**

The Oath of Office was administered to Mayor Wozniak by City Clerk Cook.

### **Remarks by Incoming Mayor**

Mayor Wozniak noted that a number of new eating establishments would soon be opening in Belmont. She pointed out that several vacant retail spaces would be occupied in the next few months, including in the Village Center and the former Salvation Army building. She commented that Autobahn Motors has plans for expansion. She stated that property tax revenues are on the rise. She stated that the City would be developing a new website in the next few months, and was working on adopting a Complete Streets policy. She noted that the plastic bag ban ordinance would soon be adopted, and other sustainability issues will be addressed. She commented that the City is experiencing economic growth. She expressed her desire to continue to become more paperless. She commented that the City Council often votes unanimously on many issues and is not divided.

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Council Intergovernmental Assignments for 2013 and Consideration of Appointment of Delegate to San Mateo County Mosquito and Vector Control District**

Council concurred to table the discussion of its intergovernmental assignments to the January 8, 2013 meeting. Discussion ensued regarding the San Mateo County Mosquito and Vector Control District. City Clerk Cook clarified that the current term is expiring. She outlined options for appointment and noted that the current delegate is requesting reappointment to a two-year term.

**ACTION:** Councilmember Lieberman made a motion, seconded by Councilmember Warden, to reappoint Donelle O'Connor to a two-year term on the Mosquito and Vector Control District.

Councilmember Warden noted that Ms. O'Connor has done a good job. He pointed out the recent issue regarding the embezzlement that had taken place at the District and suggested that an elected official be considered for future appointments.

Councilmember Braunstein requested a presentation to the City Council by Ms. O'Connor in the future. City Clerk Cook stated that she would make the arrangements.

**ACTION:** On the previous motion made by Councilmember Lieberman and seconded by Councilmember Warden, Donelle O'Connor was reappointed to a two-year term on the Mosquito and Vector Control District.

**Verbal Report from City Manager**

City Manager Scoles announced the Fire Department's upcoming Open House and Toy Drive at fire Station 14. He stated that recruitment is under way to fill the new Deputy Fire Chief position. He stated that the Peninsula Art Museum would be relocating from the Manor House to a new building in Burlingame.

**PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Perry Kennan**, Belmont resident, requested that Mayor Wozniak provide a State of the City address in the near future.

**ADJOURNMENT** at this time, being 8:40 P.M.

**Terri Cook**  
**City Clerk**

Meeting audio-recorded and videotaped.